

Message Text

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INFO OCT-01 NEA-10 ISO-00 L-03 DEAE-00 CIAE-00 INR-10
IO-14 JUSE-00 NSAE-00 CTME-00 TRSE-00 ICA-20
NSC-05 OES-09 OMB-01 PPTE-00 CA-01 SCS-06 HA-05
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-----046547 021401Z /44

R 021332Z AUG 78
FM AMEMBASSY AMMAN
TO SECSTATE WASHDC 7107

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E.O. 11652: N/A
TAGS: SNAR, JO
SUBJECT: NARCOTICS LAWS

REF: STATE 170187

REPORT ON JORDANIAN NARCOTICS LAW OF 1955 (AMENDED 1973)
IS PROVIDED BELOW; REMARKS ARE KEYED TO QUESTIONS REFTEL.

1. POSSESSION:

A. NO DIFFERENTIATION IS MADE IN THE LAW FOR ILLEGAL POSSESSION OF VARIOUS NARCOTICS. SYNTHETIC DRUGS ARE CLASSED SEPARATELY IN THE LAW FOR PURPOSES OF REGULATING THEIR IMPORT, EXPORT AND SALE BY LICENSED PHARMACISTS. PENALTY FOR ILLEGAL POSSESSION OF ANY NARCOTICS IS UP TO TEN YEARS HARD LABOR AND/OR UP TO JD 5000 (\$15,000) FINE.

B. THERE IS NO QUALIFYING AMOUNT FOR OPERATION OF THE POSSESSION OFFENSE SPECIFIED BY LAW OR REGULATION.

C. UPPER LIMIT PENALTIES FOR ALL NARCOTICS OFFENSES ARE IDENTICAL. SINCE LOCAL USE OF NARCOTICS IS VIRTUALLY UNKNOWN, CONVICTIONS FOR POSSESSION ARE ARRIVED AT
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USUALLY ONLY IN CONNECTION WITH NARCOTICS TRAFFICKING OFFENSES AND ARE THEREFORE AS SEVERE AS FOR OTHER NARCOTICS OFFENSES. PENALTIES ARE WITHIN DISCRETION OF JUDICIAL AUTHORITIES ONLY.

2. TRAFFICKING:

A. THE LAW, AS MENTIONED ABOVE, DIVIDES CONTROLLED SUBSTANCES INTO TWO GROUPS FOR PURPOSES OF LICENSING THE EXPORT/IMPORT AND SALE BY PHARMACISTS OF SYNTHETIC NARCOTICS. TRAFFICKING, I.E. ILLEGAL EXPORT/IMPORT, OF ALL CONTROLLED SUBSTANCES IS CONSOLIDATED INTO A GENERAL TRAFFICKING OFFENSE.

B. MAXIMUM PENALTY SPECIFIED IN THE LAW IS TEN YEARS HARD LABOR AND JD 5000 (\$15,000). FOR CONVICTIONS INVOLVING TRAFFICKING OF VERY LARGE AMOUNTS OF NARCOTICS, HOWEVER, THE COURT CAN PASS MORE SEVERE SENTENCES, INCLUDING LIFE IMPRISONMENT. NO MINIMUM PENALTY IS SPECIFIED BUT IN PRACTICE IT IS THREE YEARS' IMPRISONMENT. THE NARCOTICS LAW ALSO DOES NOT SPECIFY MANDATORY SENTENCING REQUIREMENTS OR PROVIDE FOR SPECIAL PROVISIONAL LIBERTY. THE PRISONS LAW ALLOWS FOR REDUCTION OF SENTENCE BY ONE-FOURTH FOR GOOD BEHAVIOR BUT ALSO PERMITS PRISON WARDENS TO LENGTHEN SENTENCES WITHIN CERTAIN LIMITS FOR BAD BEHAVIOR.

C. ELEMENTS OF THE OFFENSE: THE LAW DOES NOT SPECIFY THE AMOUNT IN POSSESSION TO CONSTITUTE TRAFFICKING; IN PRACTICE ANY AMOUNT FOUND IN POSSESSION OF A PERSON WANTED ON TRAFFICKING OR DEALING CHARGES IS SUFFICIENT EVIDENCE FOR ACCEPTANCE OF A CASE FOR TRIAL. INTENT TO TRAFFIC AND ASSOCIATION WITH TRAFFICKERS AND PRODUCERS IS CONSIDERED TO BE COVERED IN THE LAW BY D. BELOW.

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D. THE LAW SPECIFIES THAT ANY PERSON WHO ASSISTS IN IMPORTING/EXPORTING, TRANSPORTING, GROWING, MANUFACTURING OR SELLING NARCOTICS HAS COMMITTED A CRIMINAL OFFENSE UNDER THE NARCOTICS LAW. THIS PORTION OF THE LAW CORRESPONDS GENERALLY TO U.S. LAWS ON CONSPIRACY TO TRAFFIC IN, IMPORT OR EXPORT OF NARCOTIC DRUGS. JORDANIAN LAW IN ADDITION SPECIFIES THAT ANY PERSON IN JORDAN WHO "ASSISTS, ENTICES, INSTRUCTS, PLANS OR PERFORMS A PREPARATORY ACTION" IN CONNECTION WITH A NARCOTICS CRIME ACTUALLY COMMITTED OUTSIDE THE COUNTRY IS SUBJECT TO CRIMINAL PROSECUTION AS THOUGH CRIME COMMITTED INSIDE JORDAN.

3. CULTIVATION, PRODUCTION, ELABORATION:

A. CULTIVATION OF CANNABIS, COCA AND OPIUM POPPY IS PROHIBITED BY LAW. PENALTIES ARE AS DESCRIBED IN 1.C. ABOVE.

B. N/A.

C. PENALTIES FOR ELABORATING NARCOTICS SUBSTANCES FROM CANNABIS, COCA AND/OR OPIUM POPPIES ARE AS DESCRIBED IN 1.C. ABOVE.

4. FINANCIAL:

A. ALTHOUGH THE LAW DOES NOT SPECIFICALLY FORBID FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION OR TRAFFICKING IN NARCOTICS, PERSONS ENGAGED IN FINANCIAL BACKING OF THESE ILLEGAL ACTIVITIES ARE ROUTINELY PROSECUTED UNDER THE CLAUSES FORBIDDING "ASSISTANCE" TO CULTIVATORS, MANUFACTURERS OR TRAFFICKERS. THERE IS DECIDEDLY AS MUCH CONCERN ABOUT THIS ASPECT OF THE DRUG PROBLEM AS ABOUT ANY OTHER.

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NSC-05 OES-09 OMB-01 PPTE-00 SCS-06 CA-01 HA-05
EB-08 AGR-01 AID-05 HEW-06 /110 W
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B. THERE ARE LIMITATIONS ON THE AMOUNT OF CURRENCY THAT JORDANIANS MAY SPEND ABROAD FOR SUCH THINGS AS EDUCATION AND TRAVEL, BUT THESE HAVE BEEN RECENTLY RAISED AND ARE QUITE LIBERAL. THERE IS NO LIMIT TO THE OUTWARD REMITTANCE OF INCOME OF NON-RESIDENTS OR OF THE SAVINGS OF FOREIGN NATIONALS WHO INTEND TO RETURN TO THEIR COUNTRIES, BUT PRIOR APPROVAL OF THE CENTRAL BANK IS NECESSARY. TOURISTS AND OTHER NON-RESIDENTS MAY TAKE OUT OF THE COUNTRY THE FOREIGN CURRENCY WHICH THEY BROUGHT IN AND DECLARED UPON ENTRY.

5. CRIMINAL PROCEDURE:

A. THE NARCOTICS LAW ITSELF DOES NOT SPECIFY A PERIOD OF INVESTIGATIVE DETENTION. HOWEVER, IN ACCORDANCE WITH STATUTES GOVERNING ARREST AND DETENTION FOR CRIMINAL OFFENSES, A SUSPECT MAY BE DETAINED FOR UP TO ONE WEEK. NO AMERICANS HAVE BEEN DETAINED OR ARRESTED ON NARCOTICS

CHARGES IN EMBASSY'S AND GOJ'S COLLECTIVE MEMORY.
HOWEVER, ON OTHER ARREST CASES INVOLVING AMERICANS, THE
CONSUL RECEIVES VERY RAPID NOTIFICATION, AND CONSULAR
ACCESS IS GRANTED IMMEDIATELY AND FREELY.

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B. CUSTOMARY LENGTH OF PRE-TRIAL DETENTION IS ONE
WEEK, WITH MAXIMUM OF THREE WEEKS.

C. AVERAGE LENGTH OF THE TRIAL PROCESS IS THREE WEEKS.
(MAXIMUM MAY REACH TWO MONTHS.) REVIEW AND CONFIRMATION
TAKES SEVERAL DAYS TO ONE WEEK. THERE IS NO APPEAL PRO-
CEDURE IN JORDAN SINCE NARCOTICS CASES ARE TRIED IN MILI-
TARY COURT (THREE MILITARY JUDGES, NO JURY). THE PRIME
MINISTER, IN HIS CAPACITY AS MILITARY GOVERNOR, REVIEWS
AND CONFIRMS OR DENIES ALL CONVICTIONS HANDED DOWN BY
MILITARY COURT, AFTER PRELIMINARY REVIEW PROCEDURE
ALREADY NOTED.

D. LEGAL COUNSEL IS AVAILABLE AT NO COST TO THE
DEFENDANT. THERE ARE IN ADDITION ADEQUATE LAWYERS TO TAKE
NARCOTICS CASES. SINCE EMBASSY HAS NOT HANDLED NARCOTICS
ARREST CASE, WE ARE UNABLE TO PROVIDE INFORMATION ON
USUAL LAWYERS' FEES.

E. THERE IS NO PROVISION FOR PAROLE. SEE 2.B. ABOVE
FOR REDUCTION OF SENTENCE.

F. BECAUSE OF THE LACK OF SUCH CASES, NO CUSTOM ON
EXPULSION OF MINOR NARCOTICS OFFENDERS HAS BEEN
ESTABLISHED.SUDDARTH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 02 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978AMMAN06348
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780316-0242
Format: TEL
From: AMMAN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t197808104/aaaadjqc.tel
Line Count: 206
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: cb280358-c288-dd11-92da-001cc4696bcc
Office: ACTION SNM
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 STATE 170187
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 30 jun 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1554065
Secure: OPEN
Status: NATIVE
Subject: NARCOTICS LAWS
TAGS: SNAR, JO
To: STATE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cb280358-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014